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Attorneys for defendant Geico General Insurance Company

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
ANCHORAGE DIVISION

ERIKA STOYE,

Plaintiff,

vs

**GEICO GENERAL INSURANCE
COMPANY,**

Defendant.

Case No. 3:11-cv-_____

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Defendant/Removing Party, Geico General Insurance Company (“GEICO”),
through its attorneys, HUGHES GORSKI SEEDORF ODSSEN & TERVOOREN, LLC,
pursuant to 28 U.S.C. §§ 1332, 1441, and 1446-48, hereby files its notice of removal of
the above-entitled action.

This notice of defendant GEICO respectfully shows:

1. On February 28, 2011, plaintiff commenced the above-entitled action
against defendant Geico General Insurance Company in the Superior Court for the State

of Alaska, Third Judicial District at Anchorage, Case No. 3AN-11-05834 Civil. Geico was notified of the lawsuit by phone call on March 15, 2011. Geico subsequently obtained a copy of the complaint on March 22, 2011. Geico has not yet received notice from the Division of Insurance that the division has accepted service of the complaint on Geico.

2. Copies of the complaint and exhibits thereto as filed in the superior court are filed herewith pursuant to 28 U.S.C. § 1446(a).

3. Pursuant to 28 U.S.C. § 1332(a)(1), federal district courts “have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.”

4. For the purposes of determining diversity, “a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the state where it has its principal place of business.” 28 U.S.C. § 1332(c)(1); *see, also, Fifty Assoc. v. Prudential Ins. Co. of Am.*, 446 F.2d 1187, 1190 (9th Cir. 1970). Individuals are deemed to be citizens of the state of their domicile. *Law v. Moss*, 797 F.2d 747, 749 (9th Cir. 1986).

5. The plaintiff is a resident of the state of Alaska. *See*, plaintiff’s Compl. at ¶ 1. Defendant Geico is a corporation incorporated and existing under the laws of the state of Maryland, with its principal place of business in the state of Maryland, and is therefore deemed to be a citizen of Maryland. The amount in controversy in the above-entitled action, exclusive of costs and interest, exceeds \$75,000. The complaint is filed in

the Alaska Superior Court which, pursuant to AS 22.10.020, has jurisdiction in matters that exceed \$100,000. Thus, while the plaintiff is seeking an unspecified amount of damages, there is sufficient allegation on the face of the complaint to meet the \$75,000 amount in controversy. Further, the complaint asserts claims which are not limited to contract claims, but rather seek extracontractual amounts for alleged general, special and exemplary damages. *See*, Compl. at p. 4.

6. This notice of removal is being filed pursuant to 28 U.S.C. § 1446(a) and (b) within thirty (30) days after receipt by Geico of a copy of the initial pleading setting forth the claims of Erika Stoye against Geico.

7. A notice of filing this notice of removal will be filed with the Superior Court of the State of Alaska, Third Judicial District at Anchorage, and served on plaintiff.

WHEREFORE, defendant Geico gives notice that this action formerly pending in the Superior Court for the State of Alaska, Third Judicial District is hereby removed to this court.

DATED at Anchorage, Alaska, this 12th day of April, 2011.

s/ David S. Carter

David S. Carter
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UNITED STATES OF AMERICA) ss.
DISTRICT OF ALASKA)

David L. Cant

David S. Carter

SUBSCRIBED AND SWORN to before me this 12th day of April, 2011.

Sumakinnu

Notary Public in and for Alaska

My Commission Expires: 12-25-2014

I hereby certify that a true and correct copy of the foregoing was served April 12, 2011 via U.S. Mail on:

Michaela K. Canterbury
Kelley & Canterbury, L.L.C.
821 N Street, Ste. 205
Anchorage, AK 99501

s/ David S. Carter

